

Message Text

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PAGE 01 MONTRE 00659 222103Z
ACTION SCS-03

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LIMITED OFFICIAL USE MONTREAL 659

E. O. 11652: N/A
TAGS: PORG, EAIR, ICAO
SUBJ: ICAO: CONTACT BY LAWYER FOR US CITIZEN JAILED MADAGASCAR

1. APRIL 20 USREP RECEIVED CALL FROM MORTON MCNAMARA (202-457-7819), LAWYER FOR US CITIZEN IN JAIL IN MADAGASCAR FOR THREE MONTHS SINCE DETENTION OF SOUTH AFRICAN PLANE IN WHICH HE WAS PASSENGER WAS FORCED TO LAND. MCNAMARA TOLD USREP THAT HE HAS BEEN IN TOUCH WITH SPECIAL CONSULAR SERVICES/DEPT, THE MADAGASCAR DESK, AND L/SCA. HE IS NOW SEARCHING FOR OTHER AVENUES THROUGH WHICH TO ATTEMPT TO OBTAIN RELEASE OF HIS CLIENT, AND IS CITING ARTICLE V (OVER-FLIGHT) AND ARTICLE 25 (A/C IN DISTRESS) OF CHICAGO CONVENTION AS POSSIBLY APPLICABLE.

2. MCNAMARA INDICATED THAT GOM HAD CITED OAU SOUTH AFRICAN BOYCOTT AS REASON DETENTION OF AIRCRAFT, SOUTH AFRICAN PILOT AND SECOND PASSENGER AS WELL AS CLIENT. AIRCRAFT WAS EN ROUTE FROM SOUTH AFRICA VIA SWAZILAND TO REUNION AND MAURITIUS. OVER-FLIGHT WAS DENIED PRIOR TO DEPARTURE FROM SA AND SWAZILAND. PILOT FLEW SOUTH OF MADAGASCAR BUT BECAME ANXIOUS RE GAS AND TURNED BACK. ALL THREE WERE JAILED AND PLANE DETAINED. MCNAMARA ADDED THAT HIS CLIENT HAD CHARTERED PLANE AND WAS "JUMPING \$10,000 BOND" IN CONNECTION WITH HIS NOT PAYING EXCISE ON DIAMONDS.

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3. MCNAMARA WAS REASONABLE AND EXPLORATORY IN SUGGESTION THAT CHICAGO CONVENTION AND/OR ICAO RESOLUTIONS/DECISIONS OVER THE YEARS MIGHT BE APPLICABLE AND COULD BE CITED BY HIM IN FURTHER EFFORTS TO OBTAIN RELEASE OF HIS CLIENT. USREP INDICATED THAT THIS WAS NOT KIND OF THING THAT ICAO COUNCIL STATES BECOME INVOLVED IN AND ANY IN-PUT FROM USMISSION WOULD HAVE TO BE

INSTRUCTED FROM DEPARTMENT. IN RESPONSE TO HIS QUESTION USREP
CONFIRMED THAT MADAGASCAR HAS A REPRESENTATIVE ON COUNCIL
BUT HE IS AVIATION MAN AND NEW AND WOULD SIMPLY REFER MATTER
BACK TO GOM. HOWEVER IF DEPARTMENT WAS NOT OPPOSED, USREP COULD
INTRODUCE MCNAMARA TO GOM REP. IN MONTREAL.

4. FYI: THIS CASE IS APPARENTLY WELL KNOWN TO SPECIAL CONSULAR
SERVICES, TO LEGAL COUNSEL AND TO DESK. USREP FEELS IT HAS NO
PLACE IN ICAO (EVEN IF CERTAIN ARTICLES OF CHICAGO ARE RELEVANT).
MCNAMARA SEEMED TO UNDERSTAND WELL THE IMPOSSIBILITY OF BRINGING
SUCH A DELICATE MATTER INTO A MULTILATERAL FORUM. END FYI.

5. USREP REQUESTS CONFIRMATION THAT WE SHOULD NOT BE INVOLVED.
HARPER

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